DOCUMENT RESUME

ED 336 003 HE 024 823

TITLE	Involuntary Termination: What If It Happens To You?
INSTITUTION	National Association of Student Personnel Administrators, Inc.
REPORT NO	ISBN-931654-15-7
PUB DATE	91
NOTE	27p.
AVAILABLE FROM	National Association of Student Personnel Administrators, 1875 Connecticut Ave., NW, Suite 418, Washington, DC 20009-5728 ($5.00).
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Administrators; *Dismissal (Personnel); Higher Education; *Legal Aid; *Outplacement Services (Employment); Personnel Evaluation; Personnel Policy; *Student Personnel Workers

ABSTRACT

This booklet offers advice and information for college or university student affairs officers who have been involuntarily terminated. The document addresses initial responses to the news of termination and suggests buying time and seeking legal advice before signing any agreements, talking to those outside the situation, controlling communication with the press and community and maintaining a professional demeanor. A section on negotiating the terms of departure covers the legal nature of the departure, severance compensation, benefits, public announcements, letters of reference, support services, the nature of any continued institutional relationship and post-settlement agreements. There follows a section of pointers on seeking legal advice including selection of counsel, decision making, and gathering records. A section on maintaining personal and financial well-being suggests remaining active, sharing with family and friends, retaining good health habits, and assessing one's personal financial situation. The next section treats career planning and job searches and touches on networking, establishing a work space, and being honest in letters and resumes. A final section encourages planning ahead for the possibility of involuntary termination by negotiating a multi-year contract, asking for performance evaluations, listening for warning signals, and keeping professional options open. Seven references are offered. (JB)

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Involuntary Termination

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ISBN 0-931654-15-7

Considerations for Chief Student Affairs Officers

■ *A turnover in the presidency brings a new leadership style and a different set of values to your campus.*
■ *A major student disruption leaves you politically vulnerable.*
■ *A decision by the governing board or state legislature affects your area of institutional responsibility.*
■ *Budget cutbacks threaten job security.*

In the midst of dramatic institutional changes, higher education administrators are increasingly concerned about the security of their positions. Chief student affairs officers have always faced the possibility of involuntary termination. Like other senior officials, they serve at the will and pleasure of their chief executive officer. Their "fit" with institutional goals and values determines in large part the success of their performance.

Involuntary termination is personally traumatic no matter what the circumstances. Over a period of time, those dismissed from their jobs may experience a variety of feelings, including shock, denial, anger, shame, fear, and loss of confidence. Termination can be especially worrisome for those employed in higher education, where the job search often takes longer than in the corporate

sector due to cyclical hiring, search committee procedures, and affirmative action compliance. Keen competition for a relatively small number of high-level positions and increasing professional specialization intensify the pressure on chief student affairs officers who have been terminated.

How can chief student affairs officers —and others in positions of authority in the student affairs profession — prepare for the possibility of involuntary termination? The recommendations that follow suggest that an employee can exercise control over the circumstances of his or her dismissal. Those who plan ahead for the possibility of involuntary termination will be in a much better position to manage the situation creatively and positively when it happens.

Your Initial Response

While being dismissed from a job always hurts, you might take some comfort in the fact that it has happened to many competent and able people before you. Certainly, there are times when people fall short of expectations, make their superiors angry, or engage in misconduct. But terminations result far more often from circumstances having nothing to do with an individual's job performance. So don't spend too much time agonizing over why it happened.

How you respond, of course, will depend in great part on the circumstances

and stated conditions of your termination. There are as many different scenarios as there are individuals. Perhaps you have been asked to leave immediately during a campus crisis. Or your employer has advised you during an annual performance review to take steps to find another position by the end of a fixed period of time. Or you have been urged to resign, retire early, or take a new assignment following a change in the institution's leadership.

Regardless of your individual situation, keep in mind the following general suggestions:

■ *Buy yourself some time*

The moments immediately following termination are filled with emotion. Personnel experts say that employees frequently make mistakes within the first 48 hours of being fired. You need a cooling-off period before making any major decisions or signing any agreements.

Therefore, do not negotiate the terms of your departure from the institution at the same meeting during which you have been terminated. Use that meeting to gather facts about the situation and to hear any proposals being offered. Tell your employer that you need a day or two to consider alternatives. Agree on a specific date in the near future when you will meet again to discuss details.

If your termination is immediate, ask for time before you remove belongings from your office. Wait until an evening or weekend rather than moving out in the presence of other employees.

■ *Don't sign anything without legal advice*

Do not immediately tender or sign a letter of resignation. In many cases, a resignation document is appropriate after you have reached agreement with the institution about the terms of your separation. Resigning may help you "save face" under the circumstances. But such a letter can also eliminate your access to unemployment compensation or other benefits, and can weaken your case should litigation be necessary.

■ *Talk to someone outside the situation*

Upon learning of your termination, telephone someone who can listen to your feelings and help you think clearly. You will certainly want to inform your spouse or significant other, but a close friend or colleague may also be able to give you good advice.

Be selective about the people with whom you confer. Making an indiscriminate number of angry or desperate statements can be counterproductive.

■ *Control communications to the public and the academic community*

When possible, ask your employer to refrain from making any announcements until you have collected your thoughts. Negotiate the content and manner of communication at a mutually acceptable later date.

Exercise caution when dealing with the media. You have more control when you decline to comment. Once you make a statement (sometimes in the heat of emotion), you can't retract it. Your comments are open to interpretation and could affect any negotiated settlement.

Be careful, too, in communicating with governing board members. Respond honestly to their official inquiries, but consider carefully what you divulge in response to attempts to get the "inside story."

Finally, insist on the right to inform your staff of your termination. Remember that you have a responsibility to help your staff members make the best of the situation and get on with their lives, too. You may ask your supervisor to attend this meeting.

■ *Don't burn bridges*

Alienating people with whom you've worked will hurt you as surely as it will hurt others. You may have future professional contacts with some of these individuals. By all means, maintain a professional demeanor with your employer during termination negotiations.

If at all possible—maybe in a week, maybe in a few months—have a conversation with the person who terminated you to discuss your future professional life. Your former employer's recommendation will be important in getting your next position. In certain cases, it will be to your advantage to take his or her advice about your strengths and where they might best be used.

There are others on campus with whom you will want to remain on good terms. You may, for example, send notes to selected trustees and faculty members to express your appreciation for their support of your programs. These communications should not contain any negative statements about your employer or the circumstances of your departure.

■ *Exit gracefully*

By instituting involuntary termination, your employer has initiated a new relationship that is now adversarial in nature. Your professional future and personal security have been placed in jeopardy. You are likely to feel angry and betrayed by the institution and people you have served. Although you will need to come to grips with these feelings, it is probably in your best interest to express them in private. Remaining cool and collected during negotiations will strengthen your position.

What if you will remain in your position for a time following your termination? This could be the case if

your termination is effective at the end of an academic year or some other period of time. Continue to perform within the parameters of your job description, but curtail optional or additional duties. Don't let deadlines be moved up so that you can complete long-term projects before your departure. Politely decline requests to interview or meet with candidates being considered as your successor.

Negotiating the Terms of Your Departure

The details of what you receive in a "termination package" will depend on your employment agreement, the nature of your institution, and the circumstances of your termination. Most public institutions, for example, have specific rules that bind the president and the institution. Often, though, chief student affairs officers who are terminated must initiate their own discussions and develop a proposal.

It is important to assert your right to a fair and equitable separation agreement. There may be room for negotiation even in situations where there does not appear to be any such latitude. Remember that the institution has an interest in minimizing the adversarial nature of the transition for the sake of its reputation and the morale of its remaining employees. Take the time you need to work out the details of your separation with the university personnel office, your legal counsel, and/or other advisers as

necessary. Considerations include but are not limited to the following:

■*The legal nature of your separation*

How will your departure be classified? An involuntary termination? A mutually agreed-upon resignation? A nonrenewal of contract? When will termination be effective? If immediately, why? If not, when? What reasons will be given for your departure? Make sure you and the institution agree to the same explanation. Consider carefully—with assistance from legal counsel as needed—the ramifications of any agreement you sign. For example, how will your eligibility for unemployment or university benefits be affected?

■*Severance compensation*

At a minimum, you will need a period of time with pay to find a new position. You may receive an extension of your salary until you find a new position or for a stated period of time, or a lump sum upon your departure. Consult with your attorney or financial adviser to decide which option best suits your purposes. There is no standard formula for determining the amount of compensation, but one month's salary for every year of service is not an unusual practice.

■*Benefits*

Hospitalization insurance, life insurance, and other benefits often cease

with the employee's departure. In many cases, you can negotiate to maintain certain benefits until you are employed elsewhere or until a period of time passes. These can be paid by you, or you can negotiate to have the institution pay. (A special note concerning health insurance: The Consolidated Omnibus Reconciliation Act of 1985, COBRA, gives you the option of purchasing continued health insurance coverage after you've been terminated. Your institution should notify you of your COBRA rights.)

Other benefits you may want to address include retirement payments, earned vacation and compensatory time, educational benefits for children and/or spouses, membership in a credit union, and use of a university vehicle.

■ *Public announcement*

Secure a written agreement setting forth the manner in which the termination will be communicated to the academic community and/or general public. The content of such announcements is important for the public record and for your efforts to secure another position.

■ *Letters of reference*

Make an agreement about any general letters of reference to be issued, persons to be contacted for telephone references, and the content of references issued in either oral or written form. If your employer has written you a recommendation in the past, you might

use it to draft a letter and ask if he or she would be comfortable using it.

■ *Outplacement counseling and other support services*

When corporate executives are asked to leave their positions, they are now commonly offered outplacement services in the form of career counseling and help in career assessment. Outplacement companies also supply administrative support such as office space, unlimited phone access, secretarial assistance, and help in writing and printing resumes. You may want to explore the possibility of institutional support for outplacement services by one of a number of such firms that operate in the corporate sector.

It may be inadvisable for an employee to remain on campus after separating from the institution. If the circumstances of your termination are particularly amiable, however, you may consider negotiating for such on-campus features as interim office space, use of telephone and duplicating equipment, and/or secretarial help while you seek a new position.

■ *The question of a continued relationship*

There may be special considerations relating to the nature of your appointment. For instance, if you serve as an adjunct faculty member and you are terminated mid-semester, will you finish teaching your course(s)? If you have tenure, will you assume a teaching post or another position within the university?

Even if you do not plan to stay on campus, you might consider negotiating a temporary position title—e.g., "Dean of Students, on leave 1991-92." The title can be helpful as you apply for other positions.

■ *Post-settlement agreements*

Some institutions may ask you to sign an agreement in which you consent never to say anything about the circumstances of your termination or waive your right to future legal action. Think carefully about such agreements and weigh them according to your own circumstances.

Once you have negotiated the above and any other terms of agreement, commit them to writing in a document to be signed by you and the appropriate institutional representative. Ask your legal counsel to check the final document before you sign.

Seeking Legal Advice

Your need for legal counsel is highly dependent on your own situation. You can probably handle initial negotiations best yourself, although good preparation with the assistance of an attorney may be advisable. Behind-the-scenes legal assistance to help you work out an amicable settlement is not likely to trigger concern on the part of the institution. Direct involvement of your attorney on the scene, however, will inevitably result in involvement of the

institution's legal counsel. Remember that you are likely to pay out of your own pocket for the services of your attorney, while the university official with whom you are negotiating will not personally have to do so.

Following are some general guidelines for the use of legal counsel:

■ *Select your attorney carefully*

Find a lawyer who is competent in labor and/or higher education law. The referral service of your local bar association can help. You should also choose an attorney with whom you feel you can work comfortably.

■ *Don't let your legal adviser make decisions for you*

You have engaged an attorney for his or her legal expertise. Remember that not all lawyers have an understanding of the professional environment in higher education. Seek an attorney's counsel and guidance, but follow your own instincts based on your experience as to what is best for you and your career.

■ *Gather written records*

Documentation is important if you are considering any kind of legal action. Your attorney will need written evidence including a copy of your employment agreement, performance reviews or evaluations, any termination letter or written statement of reasons for your dismissal, and (where appropriate and available) a personal journal containing

records of discussions with your employer and your actions in response.

■ *Know what you want*

You may be considering litigation against the institution if your termination has been unfair, if you can prove harassment or attempts to demean, or if you believe you have lost your job because of discrimination according to race, religion, national origin, age, sex, or physical disability. You have the right to fight if you feel you have been wronged.

But before you initiate legal action, be sure you know what remedy you are seeking. Do you want your job back? Appointment to another position? Damages? Public retractions? Again, don't forget the significant expense involved in retaining legal counsel. Consider carefully, too, the consequences of legal action in relation to your future employment possibilities in higher education. Litigation effectively kills the possibility for friendly and productive relationships. It can also delay the resolution of problems, since trials often take years to complete.

In general, if you can get what you want without litigation, do so.

Your Personal and Financial Well-Being

Being asked to leave your job creates a time of personal as well as professional crisis. As with any other traumatic life

event, you need to take the time to grieve. And then you need to get on with your life. The following suggestions might help you begin the personal healing process:

■ *Stay active*

Find activities to keep you busy. Create a routine and stick to it. Resurrect your hobbies. Tackle your "To Read" pile. Volunteer in your community. Exercise. Find recreational outlets. Participate in the life of your church or synagogue.

Maintain confidence in yourself as a professional. Read professional journals. Have lunch with a colleague. Do some consulting. Write journal articles. Attend professional meetings.

■ *Include your family and friends*

Don't try to hide your problems from family members or close friends. You will need to rely on them during this time. Keep the lines of communication open and pay extra attention to your personal relationships. Remember that those who are closest to you sometimes suffer even more than you do. Children who can't understand all the intricacies of campus politics, for example, may be shocked and hurt.

■ *Take care of yourself*

Losing your position as a chief student affairs officer — a profession to which you have devoted many years of training and personal commitment — strikes at

the core of yourself. Find ways to manage the resulting stress. If you can afford it, take a short vacation. Eat healthfully. Avoid alcohol and other drugs. Exercise regularly. Give yourself quiet time to relax, reflect, and refocus. If you need it, seek psychological help. Don't let yourself become a victim of the experience.

Finally, remember that you have only a certain amount of energy. Use it positively. Every minute you spend dealing with revenge and anger is a minute not spent constructing your new life. Even after you have moved on to a new position, you will need to guard against reliving the experience of termination in a negative way.

■ *Assess your financial situation*

How will you bridge the gap financially during your period of unemployment? What budgetary adjustments will you have to make? Develop a plan with the help of your family and financial adviser.

If the need arises, don't hesitate to exercise your right to unemployment benefits. Requirements vary from state to state, but generally you are eligible as long as you lost your job through no fault of your own. Leaving your job voluntarily may disqualify you, so check with your attorney or state unemployment office before submitting a letter of resignation. You may ask your employer not to contest unemployment benefits as part of your negotiated departure from the

institution. To apply for benefits, visit the state unemployment office in your area for an interview with an unemployment services counselor.

Career Planning and the Job Search

The period following involuntary termination can be a good time to take a fresh look at your values and professional goals. What does your recent experience tell you about the kind of work setting that fits you best? You might explore chief student affairs positions at other types of institutions. You might decide to make a move out of student affairs work, or out of higher education altogether. Your decision will be influenced by a multitude of factors, including your ability to relocate.

You'll need help in your career explorations. The wealth of resources at your local library is a good place to start. Other sources of assistance include outplacement or executive search firms—particularly if you decide to move into the private sector—and professional career counseling services.

Once you decide what kind of position you are seeking and where, remember that the job search is a full-time job in itself. If you want to replace the level of income and responsibility you had in your former position, it will take a great deal of time and energy. The details of conducting a job search are beyond the scope of this publication, but some general guidelines follow:

■ *Look before you leap*

Don't let desperation or panic rule your search for employment. Don't sell yourself short by interviewing for jobs that you're sure you don't want or by jumping too quickly into a position that's not right for you. Look closely at a situation before you accept an offer. Why is the position vacant? What has been the relationship between the chief executive officer and the chief student affairs officer? Are the institution's environment and philosophy consistent with your values? Keep clearly in mind what is best for you.

■ *Use your network*

Your professional support network will be your most valuable resource during your job search. Cast your net wide to include colleagues, former employers, staff and members of professional associations to which you belong, other job seekers, and presenters or facilitators with whom you have had contact at professional meetings. Members of your network can offer emotional support, help you assess your strengths and weaknesses, give you leads on jobs, provide recommendations, critique your letters of application, and help you make better choices about where to apply and interview. Keep in touch on a regular basis by telephone calls and postcards.

You'll need to select five to ten people who will agree to serve as references for a variety of positions. If they're too busy

to write a letter of recommendation, draft one they can personalize.

■ *Set up a work place*

Remember that you'll need a work space with a telephone from which to conduct your search. You'll also need facilities for writing, printing, and mailing resumes and application letters. Your base of operations may be in your home, on your former campus (usually not a good choice), or at another location.

■ *Preserve the integrity of your search*

Present an honest resume and letters. Be thorough and clear with persons serving as references or nominating you for a job. During interviews with prospective employers, tell the truth about why you left your position but stress the positive. Make it brief. Remember, dwelling on the negative aspects of your past job and criticizing your former employer ultimately reflects badly on you.

Planning Ahead for Involuntary Termination

There are steps you can take now—or even before you accept a new position—to avoid finding yourself in a precarious situation should involuntary termination occur.

■ *Have a plan*

Write down what you will require if you are forced to step down from your position. Know the conditions of your agreement with your employer.

Whenever you accept a new appointment, explore your options in the event of termination. If the stated rules seem unreasonable, insist on fair treatment as a prerequisite to accepting the job.

■ *Negotiate a multiyear appointment*

Very few institutions offer their senior officers more than a one-year appointment. But if you are in a position to negotiate such an agreement, do so. Consider a termination clause specifying how you will be treated in the event of dismissal.

■ *Ask for feedback on your performance*

Uncertainty about job performance seems to be a fact of life for chief student affairs officers. Because presidents are busy and vulnerable themselves to campus political pressures, they may be unwilling or unable to provide you with frequent, clear-cut evaluations and assurances. Nevertheless, you are entitled to a performance appraisal at least once a year. Assert yourself, to the extent you deem reasonable, to learn what is expected of you. When will you be evaluated? What are the criteria by which you will be judged? Develop the kind of ongoing

relationship with your president in which you have a sense of where you stand. Keep copies of all performance reviews and personal written records of your actions in response to evaluations.

■ *Listen to warning signals*

Be alert. Know your institution—its mission statement, its formal and informal governance structure, its chain of command. Who controls your destiny? Know where decisions are coming from and how they might affect you. Evaluate your relationship with your employer: Does he or she listen to you? Ask for your input? Include you in key decisions? Attend to events going on around you that might be warning signals: Are others being fired? Are budget cuts or major reorganizations taking place?

Trust your instincts. If you feel uncomfortable or sense that your position is in danger, do something about it. You may seek to strengthen your position with your employer. At the same time, nurture your professional network and start exploring other job possibilities informally.

■ *Keep your professional options open*

Senior institutional officers can be particularly vulnerable to involuntary termination when they are not tenured and do not have teaching, research, and writing skills to fall back on. If you have

the appropriate credentials and interest, consider keeping up the academic side of your professional life.

As a senior official of an institution of higher education, you face the distinct possibility of being asked to leave your position at some point in your career. But just as your employer has the right to dismiss you, you have the right to be treated fairly and sensitively in the event of such a dismissal. Plan ahead to ensure that you receive the time, financial assistance, and professional and emotional support you need to transform involuntary termination from potential disaster into a positive life change.

Other Sources of Information

Your richest resource in dealing with involuntary termination will be your professional colleagues. You might also find these references useful:

Bolles, Richard. *What Color Is Your Parachute? A Practical Manual for Job Hunters and Career-Changers*. Berkeley, California: Ten Speed Press, 1990.

A comprehensive guide to life and work planning. Includes an extensive list of resources.

Coulson, Robert. *The Termination Handbook*. New York: Macmillan, 1981.

The author is an attorney who offers advice on termination both to employers and employees.

Fisher, Roger; and William L. Ury. *Getting to Yes*. New York: Penguin, 1983.

A volume for those interested in exploring the art of negotiation.

Golden, Dennis C. *Careers in Crisis: The Ethical Dilemmas of Forced Resignation and Termination*. Outline of presentation delivered at NASPA meeting, 1990.

An important source of ideas presented in this document, prepared by the Vice President for Student Affairs at the University of Louisville.

Koltnow, Emily; and Lynne S. Dumas. *Congratulations! You're Fired*. New York: Random House, 1990.

An upbeat, easy-to-read primer geared especially to women. Includes additional references.

Larkin, William V. *If You're Involuntarily Terminated: Some Considerations When Dealing with Your Employer*. Handout used for presentations at NASPA meetings, 1989.

An important source of ideas presented in this document, prepared by the Dean of Students at Widener University.

Sandeen, Arthur. *The Chief Student Affairs Officer: Leader, Manager, Mediator, Educator*. San Francisco: Jossey-Bass Higher and Adult Education Series, expected August 1991.

Contains a detailed examination of the relationship between the chief student affairs officer and chief executive officer.

Additional copies of this booklet may be purchased by writing to NASPA, 1875 Connecticut Avenue, NW, Suite 418, Washington, D.C. 20009. The cost is $5 per copy for 1-10 copies, $4 per copy for 11-20 copies, and $3 per copy for orders of more than 20 copies. All orders must be prepaid.